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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/993,511 | 11/27/2001 | Kazumasa Kokura | Q67454 | 8138 |

7590 07/28/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

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| EXAMINER |
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LOUIS JACQUES, JACQUES H

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| ART UNIT | PAPER NUMBER |
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3661

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,511

Applicant(s)

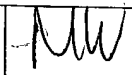
KOKURA, KAZUMASA

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5192004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirooka et al [5,325,935].

Hirooka et al 1 discloses that the reach forklift comprises a body (figure 1) a wheel disposed to the body (figure 1, 11) a plurality of fork arms (107) attached to the front end of the body (figure 1, item 4; figures 12, 31) and a mode switch section for switching between a normal of operation and a turning mode (column 7; figure 12, item 400). According to Hirooka et al, the reach forklift (the body) is able to turn about the vicinity of the fork arms (mounted between a pair of straddle arms). In addition, Hirooka et al discloses the vehicle (body) can be turned about either the left or right as the center of turn. According further to Hirooka et al, there is provided mode select switch through which an operator can arbitrarily select one of plural travel modes. That is, Hirooka et al discloses that the fork arms are provided left and right at the front of the body; and the body is adapted to be turned about a distal end of either of the left and right cargo carrier tables as the center of turn, or the body is adapted to be turned about as the center of turn substantially a central portion of a line connecting distal ends of the fork arms with each other, or the body is adapted to be turned about as the center of turn a position a

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predetermined distance frontward from the distal end of each of the fork arms. See columns 6, 10, 11 and 13.

Allowable Subject Matter

3. Claims 5-11 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 18 is allowed over the prior art of record.

The prior art fails to teach the selection of a desired center of turn from a plurality of centers of turn.

The prior art fails to teach that the cargo carrier table is provided in such a manner as to freely extend in longitudinal directions of the body, wherein the cargo handling vehicle comprises a position detecting section for detecting a position to which the cargo carrier table is moved relative to the body; and a center-of-turn position calculating section for calculating a center-of-turn position of for the body based on the position of the cargo carrier table detected by the position detecting section. The prior art also fails to teach that the mode of the cargo handling vehicle is switched over from the turning mode to the normal running mode when the turn of the body is completed and the body is prohibited from running until the wheel is restored to a condition in which the body is allowed to move straight.

The prior art does not teach that the distal end of the left cargo carrier table is set as a center of turn when the steering wheel is turned counterclockwise in the turning

mode; and the distal end of the right cargo carrier table is set as a center of turn when the steering wheel is turned clockwise.

Response to Arguments

5. Applicant's amendments and arguments filed on May 19, 2004 have been entered and carefully considered by the examiner.

Box 9 on the PTO-326, "Office Action Summary", had been checked. This is a typo.

There is no objection to the specification. Therefore, this error has been corrected.

Applicant has amended the claims by changing "cargo handling vehicle" to "forklift" and "cargo carrier table" to "fork arms".

Applicant then argued that the patent to Hirooka et al does not teach a forklift having a plurality of fork arms. Applicant stated that the straddle arms [of Hirooka et al] are not the same as the fork arms recited in the claims. Applicant added that each drawing in Hirooka et al (for example, figure 12) shows a straddle arm 120, which is part of the vehicle body, but the straddle arm 120 is not a fork arm. The examiner disagrees.

Hirooka et al discloses a [reach] forklift (1) comprising a body (2) and a pair of fork arms (107). Figure 12 of Hirooka et al, as referred to by Applicant, shows a forklift having a pair of fork arms (107) mounted between a pair of straddle arms (120). The pair of fork arms, according to Hirooka et al, serves as a load-carrying means for carrying or lifting load.

In light of the above, the claims remain rejected and this office action is made final.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

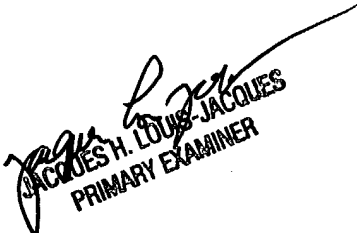
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
July 21, 2004


JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER